IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

WP(C).No. 877 of 2007(D)

PETITIONER:

JAYAPRAKASH, S/O. CHERUKUTTY,
AGED 34 YEARS, VELLOORKKALAM, PALLASSANA,
CHITTOOR, PALAKKAD DIST.

BY ADV. SRI.BINOY VASUDEVAN

RESPONDENTS:
---

1. THE SUB INSPECTOR OF POLICE, KOLLENGODE.

2. CHAMUNNI, S/O. MUKRUGAN,
KURUPPATHUPADAM, VADAVANNUR.

3. KRISHNAN, S/O. MUNDAN,
PULLANIKKODE, PALLASSANA.

ADDL.R4: THE DISTRICT COLLECTOR, PALAKKAD

R5: THE GEOLOGIST, DISTRICT OFFICE OF THE DEPARTMENT OF MINING AND GEOLOGY, PALAKKAD

R6: PALLASSANA GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY.
(ADDL.R4 TO R6 IMPLEADED AS PER ORDER ON IA 820/07 DT.25.1.2007)

R1, R4 & R5 BY G.P. SHRI P.A. SALIM
R2, R3 BY ADV. SRI.H.BADARUDDIN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1(A) -TRUE COPY OF POSSESSION CERTIFICATE IN RESPECT OF PROPERTIES COMPRISED IN RE SY. NOS.667/4 AND 668/6 ISSUED BY THE ADDL. TAHSILDAR ON 6.5.2006

EXT.P1(B)-TRUE COPY OF DO. IN RESPECT OF PROPERTIES COMPRISED IN RE.SY. NOS.667/5 AND 668/6 ISSUED BY DO.

EXT.P2 SERIES.- P2(A)-TRUE COPY OF THE SANCTION LETTER DATED 8.5.2006 GIVEN BY SRI CHERUKUTTY TO THE PETITIONER FOR REMOVAL OF SAND

EXT.P2(B)- DO. DO. DATED 25.10.2006

EXT.P3-TRUE COPY OF THE UNDERTAKING DATED 10.6.2006 GIVEN BY THE PETITIONER BEFORE THE DISTRICT GEOLOGIST, PALAKKAD

EXT.P4-TRUE COPY OF THE PERMIT FOR REMOVAL OF SAND DATED 27.12.2006 GIVEN BY THE GEOLOGIST, DISTRICT OFFICE OF THE DEPARTMENT OF MINING AND GEOLOGY, PALAKKAD

EXT.P5-TRUE COPY OF THE REPRESENTATION DATED 25.11.2006 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

// TRUE COPY //

J.B. Koshy & T.R. Ramachandran Nair, JJ.

- -

W.P.(C).NO.877 of 2007-D

- -

Dated this the 5th day of February, 2007

JUDGMENT

Koshy, J.

This is a petition for police protection for removal of sand. At present the period of permit has expired. If permit is granted as per law and petitioner comply with all the permit conditions, police protection shall be given to do the mining. But while granting permit, objections should be considered by the authority concerned and it is the bounden duty of the police to see that permit conditions are not violated.

The writ petition is disposed of with the above observations.

(J.B. Koshy, Judge.)

(T.R. Ramachandran Nair, Judge.)

kav/